



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

CITY COUNCIL SPECIAL MEETING

Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, May 28, 2014

4:15 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 4:32 p.m.

BUSINESS:

20140355

V2014-08 GPS Hospitality D/B/A Burger King

V2014 08 [VARIANCE] GPS HOSPITALITY D/B/A BURGER KING request variances for property located in Land Lot 03610, District 17, Parcel 0320, 2nd Section, Marietta, Cobb County, Georgia and being known as 650 S. Marietta Parkway, currently zoned CRC (Community Retail Commercial). (1) Variance from Section 712.08, Tree Protection and Landscaping to maintain the site as currently landscaped; (2) Variance from Section 712.09, Commercial Corridor Design Overlay District; (3) Variance from Section 714.06 (C.6), Nonconforming Signs to keep the current sign. These variances are approved for the current developed property only as shown on the attached site plan by Gaskins Engineering & Surveying for Burger King Renovation, dated January 28, 2014, and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure. Ward 1A.

Discussion was held regarding the variances requested for the Burger King located at 650 S. Marietta Parkway. During the May 14 Council meeting, concern was expressed about the plans to not plant trees across the front of the property and not switch the existing pylon sign to a monument sign.

Brian Arnold, owner of this Burger King franchise, presented what he felt was a compromise regarding the sign. Mr. Arnold agreed to replace the square on top of the pylon sign containing the Burger King logo with a 6ft wide circle containing said logo. There would also be a 3ft tall brick foundation installed at the base. Mr. Arnold would not agree to plant the required trees across the front of the property.

Further discussion was held.

Motion to grant the following requested variances for property located in Land Lot 03610, District 17, Parcel 0320, 2nd Section, Marietta, Cobb County, Georgia and being known as 650 S. Marietta Parkway, currently zoned CRC (Community Retail Commercial):

- (1) Variance from Section 712.08, Tree Protection and Landscaping to maintain the site as currently landscaped;*
- (2) Variance from Section 712.09, Commercial Corridor Design Overlay District;*
- (3) Variance from Section 714.06 (C.6), Nonconforming Signs to keep the current sign. These variances are approved for the current developed property only as shown on the attached site plan by Gaskins Engineering & Surveying for Burger King Renovation, dated January 28, 2014, and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure.*

The following stipulation is incorporated as a condition of granting the requested variances:

- (1) The applicant shall replace the square on top of the pylon sign containing the Burger King logo with a 6ft wide circle containing said logo.*
- (2) The applicant shall install a 3ft tall brick foundation to the current pylon sign.*

A motion was made by Council member Fleming, seconded by Council member Walker, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved as Amended

Council member Goldstein left the dais prior to the discussion of agenda item 20140521, 11 Whitlock Avenue.

20140521

11 Whitlock Avenue

Motion to approve Permanent Easement Agreement between the City of Marietta as Grantor and Philip M. Goldstein as Grantee. This motion supersedes and replaces in its entirety the previous motion approved by the Mayor and Council on March 12, 2014. The Grantee of the Easement is given seven (7) days to execute the Easement and Indemnity Agreement and return same to the city.

Council member Goldstein disclosed that he owns property at 9 & 11 Whitlock Avenue. Mr. Goldstein will abstain from any action as a Councilman on this item.

Discussion was held regarding the new Easement Agreement and repeal of current Easement Agreement motion as to 11 Whitlock Avenue. No agreement has been reached at this time; therefore this matter would be discussed further at the June 9 Council meeting.

No Action Taken

Council member Goldstein returned to the dais.

20140546

Executive Session

Executive Session to discuss legal, personnel, and/or real estate matters.

Not Held

ADJOURNMENT:

The meeting was adjourned at 5:23 p.m.

Date Approved: June 11, 2014

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk